

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

Proposed class representative William T. Whitman has filed a motion for class certification of this case as a class action pursuant to Rule 23(a) and (b)(2) and (b)(3) of the Federal Rules of Civil Procedure and for an Order certifying a plaintiff class and appointing a class representative and class counsel. The Court has considered the submissions and arguments of counsel, and **IT IS HEREBY**

ORDERED THAT:

The Motion for Class Certification is GRANTED

The proposed class (the “Class”) is composed of and defined as:

**PROPOSED ORDER GRANTING PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION - NO. 3:19-CV-06025-BJR - 1**

1 All persons who own or owned a universal life insurance policy issued by
2 State Farm on Form 94030 in the State of Washington whose policy was
3 in-force on or after January 1, 2002 and who was subject to at least one
4 monthly deduction.

5 Excluded from the Class are: State Farm; any entity in which State Farm
6 has a controlling interest; any of the officers, directors, or employees of
7 State Farm; the legal representatives, heirs, successors, and assigns of
8 State Farm; anyone employed with Plaintiff's counsel's firms; any Judge
9 to whom this case is assigned, and his or her immediate family; and
10 policies that insured males with an issue age of zero and terminated in the
11 first policy year.

12 Plaintiff has demonstrated that the requirements of Rule 23(a) have been met. Specifically,
13 Plaintiff has demonstrated that the Class "is so numerous that joinder of all members is impracticable."
14 Fed. R. Civ. P. 23(a)(1). Plaintiff has further demonstrated that questions of law or fact are common to
15 the Class, that their claims arise from the same event or practice or course of conduct and are typical of
16 the claims of other Class members. Fed. R. Civ. P. (a)(2)-(3). Plaintiff and Counsel have also
17 demonstrated their adequacy pursuant to Fed. R. Civ. P. 23(a)(4). There are no conflicts between
18 Plaintiff and the other members of the proposed Class and Plaintiff's interests are co-extensive with
19 those members of the Class he represents. The Court thus appoints Plaintiff Whitman as the class
20 representative.

21 Plaintiff has satisfied the requirements of Rule 23(b)(3) in that the Court finds that certification
22 pursuant to 23(b)(3) is appropriate as questions of law or fact common to class members predominate
23 over any questions affecting only individual members, and that a class action is superior to other
24 available methods for fairly and efficiently adjudicating the controversy.

25 Plaintiff has also satisfied the requirements of Rule 23(b)(2) on his claim for declaratory and
26 injunctive relief because State Farm "has acted or refused to act on grounds that apply generally to the
27

1 class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the
2 class as a whole.” Fed. R. Civ. P. 23(b)(2).

3 Finally, the Court finds that counsel for Plaintiff, Stueve Siegel Hanson LLP; Miller Schirger,
4 LLC; Tousley Brain Stephens PLLC; Barrack Rodos & Bacine; and Sarraf Gentile LLP, satisfy the
5 requirements set forth in Rule 23(g)(1) and (g)(4), are adequate counsel and are hereby appointed Class
6 Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

7 **IT IS SO ORDERED.**

8 DATED this _____ day of _____, 2021.

9
10
11 Honorable Barbara J. Rothstein
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24

Presented by:

TOUSLEY BRAIN STEPHENS PLLC

By: s/ Kim D. Stephens
Kim D. Stephens, P.S. WSBA #11984

By: Rebecca L. Solomon
Rebecca L. Solomon, WSBA #51520
Email: kstephens@tousley.com
rsolomon@tousley.com

Norman E. Siegel (*admitted pro hac vice*)
siegel@stuevesiegel.com

Lindsay Todd Perkins (*admitted pro hac vice*)
perkins@stuevesiegel.com

Ethan Lange (*admitted pro hac vice*)
lange@stuevesiegel.com

STUEVE SIEGEL HANSON LLP

PROPOSED ORDER GRANTING PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION - NO. 3:19-CV-06025-BJR - 3

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992

1 John J. Schirger (*admitted pro hac vice*)
2 jschirger@millerschirger.com
3 Matthew W. Lytle (*admitted pro hac vice*)
mlytle@millerschirger.com
4 Joseph M. Feierabend (*admitted pro hac vice*)
jfeierabend@millerschirger.com
5 MILLER SCHIRGER, LLC

6 Stephen R. Basser (*admitted pro hac vice*)
sbasser@barrack.com
7 BARRACK, RODOS & BACINE

8 Joseph Gentile
joseph@sarrafgentile.com
9 Ronen Sarraf
ronen@sarrafgentile.com
10 SARRAF GENTILE LLP

11 Attorneys for Plaintiff William T. Whitman
4836-5645-8460, v. 1

12
13
14
15
16
17
18
19
20
21
22
23
24 PROPOSED ORDER GRANTING PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION - NO. 3:19-CV-06025-BJR - 4

TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992